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10 Attorneys for Scott Wheeler

11  
12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 \* \* \*

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 vs.  
18 SCOTT WHEELER,  
19 Defendant.

20 2:13-cr-00084-APG-PAL

21 **UNOPPOSED MOTION TO WITHDRAW**  
**THE MOTION TO SUPPRESS (CR # 34)**  
**WITHOUT PREJUDICE**

22 COMES NOW the defendant, Scott Wheeler, by and through his counsel of record, Rachel  
23 Korenblat, Assistant Federal Public Defender, and files this Unopposed Motion to Withdraw his  
24 Motion to Suppress Physical Evidence and Statements Due to an Impermissible Stop, Search and  
25 Seizure (CR # 34) without prejudice. This pleading is based upon the attached Memorandum of  
26 Points and Authorities and all of the papers and pleadings on file herein.

27 DATED this 20th day of May, 2014.

28 RENE L. VALLADARES  
Federal Public Defender

By: /s/ Rachel Korenblat  
RACHEL KORENBLAT  
Assistant Federal Public Defender

## **POINTS AND AUTHORITIES**

On September 9, 2013, counsel for Mr. Wheeler filed a Motion to Suppress Physical Evidence and Statements Due to an Impermissible Stop, Search and Seizure. (CR # 34.) The Court granted several stipulations to extend the hearing date for the motion to accommodate motion practice regarding several subpoenas, for the defense to serve the subpoenas, for the subpoena recipients to produce response documents and other items, and to review the responses. (CR ## 44, 50, 56, 63.) The evidentiary hearing is currently scheduled for June 3, 2014. (CR # 68.)

On May 19, 2014, Mr. Wheeler signed a plea agreement offered to him by the government. The parties are in the process of scheduling a date for Mr. Wheeler to plead guilty pursuant to the plea agreement. No date has been set yet. Because Mr. Wheeler intends to plead guilty, he moves to withdraw his motion to suppress, which would also vacate the June 3, 2014 hearing date. If Mr. Wheeler does not ultimately enter a guilty plea or the Court does not accept his guilty plea, then the parties will file a stipulation to reset the dates for him to refile his suppression motion.

DATED this 20th day of May, 2014.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

By: /s/ Rachel Korenblat  
RACHEL KORENBLAT  
Assistant Federal Public Defender

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,  
5 Plaintiff,

6 vs.

7 SCOTT WHEELER,  
8 Defendant.

2:13-cr-00084-APG-PAL

**ORDER ON THE UNOPPOSED  
MOTION TO WITHDRAW THE  
MOTION TO SUPPRESS (CR # 34)  
WITHOUT PREJUDICE**

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10 Based on the Unopposed Motion to Withdraw the Motion to Suppress Physical Evidence  
11 and Statements Due to an Impermissible Stop, Search and Seizure (CR # 34) (the “Motion”) and  
12 good cause appearing therefore,

13 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Motion is hereby  
14 GRANTED, and the Motion to Suppress (CR # 34) is withdrawn without prejudice.

15 DATED this 27th day of May, 2014.

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17 UNITED STATES MAGISTRATE JUDGE

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1                   **CERTIFICATE OF ELECTRONIC SERVICE**

2                   The undersigned hereby certifies that I am an employee of the Law Offices of the Federal  
3                   Public Defender for the District of Nevada and am a person of such age and discretion as to be  
4                   competent to serve papers.

5                   That on May 20, 2014, I served an electronic copy of the above and foregoing **UNOPPOSED**  
6                   **MOTION TO WITHDRAW THE MOTION TO SUPPRESS (CR # 34) WITHOUT**  
7                   **PREJUDICE** by electronic service (ECF) to the person named below:

8  
9                   DANIEL G. BOGDEN  
10                  United States Attorney  
11                  AMBER M. CRAIG  
12                  Assistant United States Attorney  
13                  333 Las Vegas Blvd. So., 5th Floor  
14                  Las Vegas, Nevada 89101

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17                  */s/ Karen Meyer*  
18                  Employee of the Federal Public Defender  
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